

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEVE COLEGROVE,
Plaintiff,

v.

JOHN WETZEL, *et al.*,
Defendants.

:
:
:
:
:
:
:

Case No. 2:20-cv-04192-JDW

ORDER

AND NOW, this 29th day of December, 2020, upon consideration of Plaintiff Steve Colegrove's *pro se* Complaint (ECF No. 1-3), for the reasons stated in the accompanying Memorandum, it is **ORDERED** as follows:

1. Mr. Colegrove's claims for violation of the Fourth Amendment, the Eighth Amendment, the Fourteenth Amendment's due process protection, 18 U.S.C. § 249, 42 U.S.C. § 1981, and 42 U.S.C. § 1988 are **DISMISSED WITH PREJUDICE**;

2. Mr. Colegrove's claims for violation of the Fourteenth Amendment's Equal Protection clause, 42 U.S.C. § 1982, and 42 U.S.C. § 1986 are **DISMISSED WITHOUT PREJUDICE**; and

3. Mr. Colegrove may file an amended complaint on or before January 29, 2021, only as to those claims dismissed without prejudice. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Mr. Colegrove's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Mr. Colegrove should be mindful of the Court's reasons for dismissing the claims in his Complaint, as

the Court has explained in the accompanying Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court;

4. The Clerk of Court is **DIRECTED** to send Mr. Colegrove a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Mr. Colegrove may use this form to file his amended complaint if he chooses to do so;

5. If Mr. Colegrove does not wish to file an amended complaint and instead intends to stand on his original Complaint, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case; and

6. If Mr. Colegrove fails to file any response to this Order, the Court will conclude that Mr. Colegrove intends to stand on his Complaint and will issue a final order dismissing this case.

BY THE COURT:

/s/ Joshua D. Wolsom

JOSHUA D. WOLSOM, J.